

# Health & Social Services Committee

## HSS(2)-14-04(p.2a)

Date: Wednesday 24 November 2004

Venue: Committee Rooms 3 & 4, National Assembly for Wales

Title: Subordinate Legislation Programme 2003/04 - Health and Social Care

<b>2004</b>				
	<b>Name/Working Title</b>	<b>Purpose</b>	<b>Projected Month Legislation to be made</b>	<b>1.Standing Order 2. procedure – standard or executive 3. Wales /UK or Europe</b>
HSS1 (03)	NHS (England and Wales) (National Blood Authority) (Establishment and Constitution) (Amendment) Order 2003	Establishing the National Blood Authority	As a result of the Arms Length Body Review this will not be proceeding	<ol style="list-style-type: none"> <li>1. SO 25</li> <li>2. Standard</li> <li>3. England and Wales</li> </ol>
HSS9 (03)	Carmarthenshire, Ceredigion and Mid Wales and North Glamorgan NHS Trusts Amendment Orders  (Identified for further consideration)	To increase the number of Non-Executive Directors for these NHS Trusts by one additional member to bring the Establishment Orders into line with the number of Non-Executive Directors on the Trust Boards	Not known this has been deferred in order to consider the position with the remaining Establishment Orders	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

	16/07/03)			
HSS10 (03)	NHS (Local Pharmaceutical Schemes) (Wales) Regs 2003  (Identified for further consideration 08/10/03)	To enable a Local Health Board to negotiate different local arrangements for the provision of community pharmacy services, outside the restrictions of the existing legal framework in part II of the NHS Act following the agreement of the New Pharmacy Contract	Postponed	1. SO 24 2. Standard 3. Wales (Regulations already made in England)
HSS17 (03)	The Childminding and Day Care (Suspension of Registration) (Wales) Regulations 2004  (Identified for further consideration 08/10/03)	To enable the Inspectorate to suspend the registration of childcare setting pending an investigation, as an alternative to immediate cancellation	December 2004	1. SO 24 2. Standard 3. Wales
HSS 20 (03)	Childcare in Schools (Wales) Regulations 2004  (Identified for further consideration 08/10/03)	To make provision for the registration and inspection of childcare provided by the governing bodies of schools	January 2005	1. SO 24 2. Standard 3. Wales

HSS24 (03)	The Children (Performances) (Amendments) (Wales) Regulations 2004	To remove current limits on the number of performances a child may undertake each year in film, TV or theatre; and to make some other aspects of regulation of such performances less restrictive.	June 2005 (deferred to allow prior consideration of Clwyd Report recommendations)	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS25 (03)	Private and Voluntary Healthcare (Amendment) (Wales) Regulations 2004	Brings into force powers to lay down National Minimum Standards for Independent Medical Agencies	Not known as soon as possible	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2.</li> </ol>
HSS26 (03)	Independent Medical Agencies National Minimum Standards	Lays down the National Minimum Standards for Independent Medical Agencies	Not known as soon as possible	<ol style="list-style-type: none"> <li>1. SO 29</li> <li>2.</li> <li>3.</li> </ol>
HSS28 (03)	Small Care Homes for Younger Adults National Minimum Standards  (Identified for further consideration 08/10/03)	Lays down the National Minimum Standards for Small Care Homes for younger adults	January 2005  To be removed from this table as the standards are not subordinate legislation. Following consultation later this year, members will however have an opportunity to consider proposed changes to the	<ol style="list-style-type: none"> <li>1. SO 29</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

			standards as part of the 2005 work programme.	
HSS36 (03)	The National Health Service (Pharmaceutical Services) (Wales) Regulations 2005	Changes regarding control of entry rules around controlled areas. The First Minister agreed (29 <sup>th</sup> June 2004) to consult stakeholders on proposals to make regulatory changes to streamline the "Control of Entry" process (i.e consideration of applications from pharmacies and the related appeals system) and to inform stakeholders that criteria will be developed to help determine that applications meet the requires " Essential Services" to be specified under the new pharmacy contractual framework which is currently being negotiated.	January 2005 (This date may be subject to change)	<ol style="list-style-type: none"> <li>1. SO24/SO22</li> <li>2. Standard/ Excecutive</li> <li>3. UKWales</li> </ol>

HSS 37 (03)	The National Health Service (General Medical Services) (Wales) Regulations 2005 (SCH11)	Tamiflu – changes have to be in step with England – awaiting details	December 2004/January 2005  (This date may be subject to change, are keeping step with England)	1. SO24 2. Standard 3. UK England and Wales (regulations to be made independently in Wales)
HSS38 (03)	The National Health Service (Pharmaceutical Services) Regulations 2005/ The National Health Service (Charges for Drugs & Appliances) (Wales) Regulations 2005 (??)	Amendments to the appliance contractors contract and reduce opportunities for fraud and abuse.  This is to be linked to the introduction of the New Pharmacy Contract	January 2005	1. SO24/SO 22 2. Standard/ Executive 3. Wales
HSS 42 (03)	The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004	To effect the roll out of registration of social care workers This order will have the effect of requiring the Care Council for Wales to maintain a register of social care workers as specified. The order does not confer any functions on the Assembly	November 2 <sup>nd</sup> 2004	1. SO24  2. Standard  ● Wales
HSS 44 (03)	Health Professions Order Consequential Amendments	Amendments required to NHS (Professions Supplementary to Medicine) Reg 1974 and NHS (Speech Therapists) Reg 1974.	Not Known awaiting advice	1. SO24 2. Standard 3. UK

HSS 46 (03)	Independent Review of Determinations (Adoptions) (Wales) Regulations 2004  (Considered by Committee on 23/06/04)	To establish a mechanism for the independent review of determinations by adoption panels on assessment of adopters.	January 2005	1. SO24  2. Standard  3. Wales
HSS 48 (03)	The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005	Regulation to specify the range of foods covered by the Healthy Start Scheme in Wales.	October 2005	1. unknown 2. unknown 3. Wales
HSS57 (03)	The Disqualification from caring for children (Wales) regulations	Amendment to the automatic disqualification criteria and to provide for the power of waiver for CSIW if applicants for registration as childminders or day care providers would otherwise be automatically disqualified	Possibly December 2004	1. S024 2. Standard 3. Wales
HSS07 (04)	Access to Information (Pre Commencement Adoptions) (Wales) Regulations 2004	Regulations covering access and disclosure of information about adoption made before commencement of these regulations (Sept 2005?)	January/ February 2005	1. S024  2. Standard 3. Wales
HSS08 (04)	Special Guardianship (Wales)  Regulations 2005  (Identified for consideration 14.1.04)	Regulations establishing special guardianships and support services	January 2005	1. S024 2. Standard 3. Wales 4.

HSS09 (04)	Adoption Support Agencies Regulations 2005	Regulations concerning the operation and registration of adoption support agencies	January 2005	1. S025 section 1 2. Standard  England and Wales
HSS10 (04)	Adoption Support Services (Local Authorities) (Wales) Regulations 2005	Regulations to extend the scope and coverage of adoption support services	January 2005	1. S024 2. Standard 3. Wales
HSS11 (04)	Adoption and Children Act Order in Council	Order in Council made by the Secretary of State for Education and Skills, to establish the Adoption and Children Act Register. If the Order applies to Wales a draft must be laid before and approved by resolution of the Assembly	To be confirmed	1. S026 2. Standard 3. England and Wales
HSS13 (04)	Adoption Agencies Fees (Wales) Regulations 2004	Regulations prescribing the fees that may be charged by adoption agencies	January 2005	1. S024 2. Standard 3. Wales
HSS14 (04)	Independent Review of Determinations (Phase 2 ) (Wales) Regulations 2005	Regulations establishing independent reviews of adoption panel determinations in respect of the disclosure of protected information	July/ September 2005	1. SO24 2. Standard 3. Wales
HSS27 (04)	The Social Services Complaints Procedures (Wales) Regulations 2005	To provide a statutory framework for local authority social services complaints, using the Assembly's new powers in the Health and Social Care (Community Health and Standards) Act 2003	Now likely to be October 2005 timetable under review	1. SO24 2. Standard 3. Wales

HSS28 (04)	The National Health Service Complaints Procedure (Wales) Regulations 2005	To give a statutory basis to the new NHS complaints procedure introduced on 1 <sup>st</sup> April 2003 presently contained in the Directions to the NHS	1 April 2005 – now likely to be October 2005 – timetable under review	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS35 (04)	Amendment to Community Health Councils (Wales) Regulations 2005	To amend the existing regulations to deal with membership and complaints procedure for CHCs	1 April 2005	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Accelerated</li> <li>3. Wales</li> </ol>
HSS36 (04)	The Water Act 2003 (Commencement No3 ) (Wales) Order 2005  Identified for consideration on 23.6.04	To bring into force section 58 of the Water Act for the purpose of introducing water fluoridation consultation regulations in Wales.	Not Known	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Anticipated Standard</li> <li>3. Wales</li> </ol>
HSS37 (04)	The Water Fluoridation (Wales Consultation) Regulations 2005  Identified for consideration on 23.6.04	To introduce regulations governing consultation arrangements for any water fluoridation scheme(s) that might be introduced in Wales	Not known	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Anticipated Standard (with debate)</li> <li>3. Wales</li> </ol>
HSS38 (04)	The National Health Service (Charges for drugs and Appliances) Wales Regulations	To change the calculation of the requirements for someone over 60 in line with changes that were made in England	As soon as possible	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Accelerated</li> <li>3. Wales</li> </ol>



<p>HSS39 (04)</p>	<p>The National Health Service (Pharmaceutical Services) Regulations</p> <p>Identified for consideration on 23.6.04</p>	<p>Original pack dispensing</p>	<p>April 2005</p>	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
<p>HSS40 (04)</p>	<p>The National Health Service (Travelling Expenses and Remission of Charges) Regulations 2005</p>	<p>To update the income allowances (required as part of the non-devolved tax credit system) for people eligible for help with health costs in line with England</p>	<p>April 2005</p>	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
<p>HSS42 (04)</p>	<p>The Care Standards Act 2000 (Commencement No.21) Order 2005</p>	<p>An England and Wales order to bring into force, section 61 of the Care Standards Act 2000 which provides for the protection of the title "social worker" by the creation of an offence, punishable by a fine of up to level 5 on the standard scale, for a person who is not registered as a social worker to use that title or hold himself out as a registered social worker with an intention to deceive.</p>	<p>March 2005</p>	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. England and Wales</li> </ol>

HSS43 (04)	Regulations associated with the above order	To prescribe the registers of social workers maintained by Scotland and Northern Ireland which correspond to the registers maintained by the General Social Care Council and the Care Council for Wales. For the purpose of the Order.	March 2005	<ol style="list-style-type: none"> <li>1. SO 25</li> <li>2. Standard</li> <li>3. England and Wales</li> </ol>
HSS44 (04)	The Health and Social Care (Community Health and Standards) Act 2003 (Healthcare Inspections) (Wales) Regulations 2005	Regulations prescribing persons to provide the Assembly with explanations of any documents or, records, provided or any related matters in connection with inspections, reviews and investigations into the provision of health care in Wales	To be confirmed	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS45 (04)	Proposed Primary care (charges to overseas visitors) Regulations 2005	To change and clarify the rules of eligibility of overseas visitor to receive free primary medical services	Not known – no timetable as yet- just about to go out to consultation	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Anticipated Standard</li> <li>3. Wales</li> </ol>
HSS46 (04)	Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005	Regulations covering access and disclosure of information about adoptions made after commencement of these regulations (Sept 2005?)	January/February 2005	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

HSS47 (04)	Adoption Agencies (Wales) Regulations 2005	Regulations concerning the functions and duties of adoption agencies in Wales, both local authority and voluntary agencies	January 2005	1. SO 24 2. Standard 3. Wales
HSS49 (04)	Adoption and Children Act 2002 (Commencement No 8) (Wales) Order 2005	To bring into force those parts of the Act not yet commenced relating to Wales that must be commenced by Wales alone.	July 2005	1. SO 24 2. Standard 3. Wales
HSS50 (04)	The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2004	To simplify the performer list application process for GPs currently listed on a Primary Care Organisation List	December 2004	1. SO 24 2. Standard 3. Wales
HSS51 (04)	The Carers (Equal Opportunities) Act 2004 (Commencement) (Wales) Order 2005	To commence the available powers of the Carers (Equal Opportunities) Act 2004	Coming into force 1 April 2005	1. SO 24 2. Standard 3. Wales
HSS52 (04)	The National Health Service (Primary Medical Services) (Miscellaneous Amendments) Regulations 2004	Amendments to the GMS Contract Regulations and the GMS Transitional and Consequential Order	Possibly February 2005/ March 2005	1. SO 24 2. Standard 3. Wales

HSS53 (04)	The National Health Services (Charges for Drugs and Appliances) (Wales) Regulations 2005	<p>Amendments required to</p> <p>(1) introduce the second reduction in prescription charges;</p> <p>(2) Provide exemption for the provision of oxygen</p> <p>(3) Statutory WP10 Form (subject to agreement from OCG);</p> <p>(4) To apply Scottish and English prescription charges (as appropriate) at point of dispensing (subject to agreement from OCG)</p> <p>(5) To backdate entitlement to medical exemption certificates</p>	<p>Possibly January 2005</p> <p>February 2005/ March 2005</p>	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
		<b>NEW ADDITIONS</b>		
HSS53 (04)	Amendment Directions to Local Health Boards and NHS Trusts in Wales	Exempt guidance issued by the National Institute for Clinical Excellence (NICE) on 'laparoscopic surgery for inguinal hernia repair' from the Directions issued on 23 October 2003, requiring the NHS in Wales to make funding available to enable NICE guidance to be implemented within three months.	Probably January 2005	<ol style="list-style-type: none"> <li>1. SO29</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

HSS54 (04)	Adoption (Non Agency Cases) Regulations 2005	Regulations to cover adoption cases not within the remit of the Adoption Agency (Wales) Regulations 2005	February 2005	<ol style="list-style-type: none"> <li>1. SO</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS55 (04)	Local Authority (Adoption Services) (Wales) Regulations 2005	Regulations to update the Local Authority Adoption Services (Wales) Regulations 2003	March 2005	<ol style="list-style-type: none"> <li>1. SO</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS56 (04)	Adoption Agency (Adoption with foreign element) Regulations 2005		February 2005	<ol style="list-style-type: none"> <li>1. SO</li> </ol>
HSS57 (04)	The National Health Service (Pharmaceutical Services) Regulations 2005	New Oxygen Contract	June 2005 (Commencement October 2005)	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS58 (04)	The National Health Service (Performers Lists ) (Pharmacists) (Wales) 2005	To create a Performers list for Pharmacists	April 2005	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS59 (04)	The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005	To introduce an increase to the capital limits applied by local authorities in the residential care charging assessment	April 2005	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

<p>HSS 60 (04)</p>	<p>The National Assistance (Sums of Personal Requirements) (Wales) Regulations 2005.</p>	<p>To introduce an increase to the amount of the personal expenses allowance given to local authority supported individuals in residential care.</p>	<p>April 2005</p>	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
<p>HSS 61 (04)</p>	<p>Children's Act (Staff, Property, Rights and Liabilities Transfer Scheme) (Wales) Order 2005</p>	<p>Part of provision to transfer effectively the functions of CAFCASS in Wales to the Assembly</p>	<p>March 2005</p>	<ol style="list-style-type: none"> <li>1. SO25</li> <li>2. Standard</li> <li>3. Wales only but Joint Order with Secretary of State</li> </ol>